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HOUSE BILL NO. 1249

Offered January 20, 2012

A BILL to amend and reenact §§ 29.1-344, 29.1-345, 29.1-347, 29.1-349, and 29.1-351 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 29.1-344.1 and 29.1-345.1, relating to the renewal of duck blind licenses.

Patron—Lingamfelter

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-344, 29.1-345, 29.1-347, 29.1-349, and 29.1-351 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 29.1-344.1, and 29.1-345.1 as follows:

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.

Each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting stationary blinds on their shoreline, and the prior right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located further than halfway across the body of water from the riparian owner's shoreline. When such a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee. Riparian owners, their lessees or permittees may obtain licenses ~~on and after May 1 and on or before June~~ from February 1 to August 15 of each year. A stake or a stationary blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by ~~June 30~~ August 31. If a stake has been erected on the site of a stationary blind, such stake ~~must~~ shall be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341. ~~If after November 1, the Department deems a blind not in conformity with the standards prescribed in § 29.1-341, the license for that blind shall be revoked by the Department and the owner notified by registered mail of such revocation. The licensee of a revoked license shall have 30 days to remedy any defects in the blind and certify to the Department by mail that the blind conforms to the standards prescribed in § 29.1-341, after which the license shall be reinstated by the Department at no cost to the owner.~~

§ 29.1-344.1. Department to notify riparian owners of expiration of stationary blinds on the shores and public waters.

Beginning January 15 and no later than May 1 of each year, the Department shall notify riparian owners, their lessees, or permittees who possessed a license for stationary blinds on the shores and in the public waters in the previous year of the requirement to renew their license by August 15 in order to avail themselves of their privileges as prescribed in § 29.1-344.

§ 29.1-345. Stationary blinds in the public waters for nonriparian owners.

Unless a license has been obtained pursuant to § 29.1-344, and a stake or a blind has been erected and marked within the time stated as specified in that section, in any year, the owners of riparian rights, their lessees or permittees shall forfeit the privilege of licensing blinds on their shores and also lose priority for licensing stationary blinds in the public waters adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a blind to hunt or shoot waterfowl over the public waters. The blind cannot be located in water having a greater depth than eight feet at mean high tide on the site selected. In addition, the blind ~~must~~ shall be at least 500 yards from any other stationary blind, and the license for that season ~~must~~ shall be properly affixed to the structure. The nonriparian license for a stationary blind in the public waters ~~previously~~ licensed the year before may be obtained ~~on and after~~ from July 1 and ~~on or before~~ August to September 15. A stake or blind shall be erected on the site, and a license plate supplied with the license for that season ~~must~~ shall be affixed thereto by ~~August 31~~ September 30. ~~The nonriparian license for a stationary blind in the public waters not previously licensed the year before may be obtained on and after September 1 and on or before October 15. A stake or blind shall be erected on the site and a license plate supplied with the license for that season must be affixed thereto. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such stationary blinds shall conform to the standards prescribed in § 29.1-341. If after November 1 the Department deems a blind not in conformity with the~~

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59 standards prescribed in § 29.1-341, the license for that blind shall be revoked by the Department and
60 the owner notified by registered mail of such revocation. The licensee of a revoked license shall have 30
61 days to remedy any defects in the blind and certify to the Department by mail that the blind conforms to
62 the standards prescribed in § 29.1-341, after which the license shall be reinstated by the Department at
63 no cost to the owner.

64 § 29.1-345.1. Department to notify nonriparian owners of expiration of stationary blinds in the public
65 waters.

66 Beginning May 1 and no later than June 15 of each year, the Department shall notify nonriparian
67 owners who possessed a license for stationary blinds on the shores and in the public waters in the
68 previous year of the requirement to renew their license by September 15 in order to avail themselves of
69 their privileges as prescribed in § 29.1-344.

70 § 29.1-347. Renewing licenses.

71 The holders of licenses first issued under this article may renew the same privileges each succeeding
72 year by licensing within the time required and placing the license tag on the stake or blind as required
73 by this article. The exclusive privileges prescribed with respect to owners and their lessees and
74 permittees in § 29.1-344 shall be recurrent each year even if the privileges were forfeited to some other
75 person or persons in the preceding year. If any blind is destroyed in any manner beyond the control of
76 the owner, it may be replaced within ~~thirty~~ 30 days without losing the position which it formerly
77 occupied. Those licensing stationary blinds in the public waters shall remove the blinds when the
78 licenses expire or when they no longer intend to use them, *whichever occurs sooner*.

79 § 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

80 A. No person shall hunt or shoot migratory waterfowl in the public waters of this Commonwealth
81 from a boat, float, raft or other buoyant craft or device within 500 yards of any ~~legally licensed~~ erected
82 stationary blind ~~of that conforms to the standards prescribed in § 29.1-341 and that is licensed by~~
83 another without the consent of the licensee, except when in active pursuit of a visible crippled waterfowl
84 which was legally shot by the person.

85 B. No person shall erect a stationary blind in the public waters within 500 yards of any other
86 licensed blind without the consent of the licensee. Any person who violates this subsection shall be
87 guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore,
88 the trial court shall immediately revoke the blind owner's license for the stationary blind where the
89 offense was committed. ~~The blind owner may be eligible for a license in the following open season~~
90 ~~upon the same conditions that would apply to a new applicant.~~ When a license for a stationary blind has
91 been revoked, the blind shall be destroyed by the former licensee or by the conservation police officer.

92 § 29.1-351. Regulations to be issued; present regulations continued in force.

93 The Board shall have the power to amend or alter the provisions of this article by regulation
94 prescribing a distance less than 500 yards between blinds whenever and wherever such action seems
95 practicable and desirable. The Board may adopt other regulations concerning the use of such blinds as
96 may appear advisable to meet changing conditions as to hunting migratory game birds. The regulations
97 of the Board now applying to such hunting are hereby continued in force until amended or repealed by
98 the Board; however, the Board shall not have the power to alter in any respect the privileges prescribed
99 for owners and their lessees and permittees in §§ 29.1-344 ~~and~~, 29.1-345, 29.1-347, and 29.1-349.